

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: §
§
CHARLES MOSLEY, § CASE NO. 10-37305-H5-13
DEBTOR(S) §
§ Confirmation set: February 15, 2011
§

FIRST AMENDED OBJECTION TO CONFIRMATION

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

COMES NOW Credit Acceptance Corporation ("Creditor"), objecting to the confirmation of the Chapter 13 Plan proposed by Charles Mosley ("Debtor(s)"), and for cause of action would respectfully show the Court as follows:

1. Creditor has a perfected purchase money security interest in a 2004 Mazda Tribute, vehicle identification number 4F2CZ06134KM14693. As of the date of filing, Creditor was owed \$10,239.15.

2. Creditor's collateral is not listed for payment in the Chapter 13 Plan. The Plan must be amended to include payment treatment for Creditor's claim or the collateral should be immediately surrendered to Creditor. Although Creditor is listed as a member of Class 4, there is no value given and no interest rate so the Plan, as filed cannot be confirmed. The correct value should be \$9,425.00.

3. Creditor objects to confirmation of the Chapter 13 Plan to the extent that it does not meet the requirements of 11 U.S.C. §1325(a) in any way not specifically set out herein.

WHEREFORE, PREMISES CONSIDERED, Credit Acceptance Corporation prays for an Order of this Court:

1. Denying confirmation of Debtor(s) Chapter 13 Plan as proposed; and
2. For such other and further relief, both general and specific, to which Creditor may show itself justly entitled.

Respectfully submitted,
/s/ Stephen G. Wilcox
Stephen G. Wilcox
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ATTORNEYS FOR CREDIT
ACCEPTANCE CORPORATION

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Objection to Confirmation was served by FIRST CLASS MAIL, POSTAGE PRE-PAID on:

Charles Mosley
3005 Nita Street
Houston, TX 77051

and ELECTRONICALLY FILED on:

William Heitkamp
9821 Katy Frwy., Suite 590
Houston, TX 77024

Dated on February 7, 2011.

/s/ Stephen G. Wilcox
Stephen G. Wilcox

8117-00114-282503